

- 1. H.R. 511 Power And Security Systems (PASS) Act
- 2. H.R. 587 Fair RATES Act
- 3. H.R. 590 Advance Nuclear Technology Development Act
- 4. H.R. 518 EPS Improvement Act
- 5. H.R. 290 Federal Communications Commission Process Reform Act
- 6. H.R. 423 Anti-Spoofing Act
- 7. H.R. 588 Securing Access to Networks in Disaster Act
- 8. H.R. 555 Amateur Radio Parity Act
- 9. H.R. 460 Improving Rural Call Quality
- 10. H.R. \_ Federal Communications Commission Consolidated Reporting Act of 2017
- 11. H.R. 582 Kari's Law

# H.R. 511 — Power And Security Systems (PASS) Act (Rep. Welch, D-VT)

CONTACT: Nicholas Rodman, 202-226-8576

### FLOOR SCHEDULE:

Scheduled for consideration on January 23, 2017 under suspension of the rules, which requires 2/3 vote for passage.

### **TOPLINE SUMMARY:**

<u>H.R. 511</u> would extend to 2021 the time period in which the Secretary of Energy must publish a rule to determine whether standards on battery chargers and external power supplies then in effect should be amended. The bill would also extend the delay of the existing rule's application to life-saving products manufactured before July 1, 2023, thereby exempting products manufactured prior to that date.

### COST:

No Congressional Budget Office (CBO) estimate is available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

# **CONSERVATIVE CONCERNS:**

- Expand the Size and Scope of the Federal Government? No.
- Encroach into State or Local Authority? No.
- Delegate Any Legislative Authority to the Executive Branch? No.
- Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits? No.

### **DETAILED SUMMARY AND ANALYSIS:**

H.R. 511would would amend section 325(u)(3)(D)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)(3)(D)(ii)) by extending to 2021 the time period by the end of which the Secretary of Energy is required to publish a rule to determine whether standards on battery chargers and external power supplies, as well as No-Load Mode energy efficiency standards, that apply to certain security or life safety alarm or surveillance systems should be amended. The bill would extend the rule's application to products manufactured on or after July 1, 2023, thereby exempting products manufactured prior to that date. The Secretary of Energy would be authorized to treat some or all external power supplies designed to be connected to a security or life safety alarm or surveillance system as a separate product class.

H.R. 511 contains identical language to <u>H.R. 6375</u> which passed the House in the 114th Congress by voice vote on December 6, 2016. The RSC's legislative bulletin for H.R. 6375 can be found <u>here</u>.

### **COMMITTEE ACTION:**

H.R. 511 was introduced on January 12, 2017 and was referred to the House Committee on Energy and Commerce.

## **ADMINISTRATION POSITION:**

A Statement of Administration Policy is not available.

### **CONSTITUTIONAL AUTHORITY:**

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 3: The Congress shall have Power To . . . regulate commerce with foreign nations, and among the several states, and with the Indian tribes."

# H.R. 587 — Fair RATES Act (Rep. Kennedy, D-MA)

CONTACT: Nicholas Rodman, 202-226-8576

### FLOOR SCHEDULE:

Scheduled for consideration on January 23, 2017 under suspension of the rules, which requires 2/3 vote for passage.

### **TOPLINE SUMMARY:**

<u>H.R. 587</u> would deem any inaction by the Federal Energy Regulatory Commission (FERC) that allows a rate change to go into effect as a FERC order for the purposes of rehearing and court review.

# COST:

No Congressional Budget Office (CBO) estimate is available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CBO <u>estimated</u> that implementing H.R. 2984, passed in the 114th Congress and identical to H.R. 587, would increase FERC's workload. However, based on information from FERC about the extremely limited number of cases that would be affected by the proposed change, CBO estimates that any increased administrative costs to the agency would be insignificant in any given year.

### **CONSERVATIVE CONCERNS:**

- Expand the Size and Scope of the Federal Government? No.
- Encroach into State or Local Authority? No.
- Delegate Any Legislative Authority to the Executive Branch? No.
- Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits? No.

### **DETAILED SUMMARY AND ANALYSIS:**

H.R. 587 would amend section 205 of the Federal Power Act (16 U.S.C. 824d(d)) by stipulating that any inaction by FERC that allows a change to take effect would be treated as an order by FERC, thus accepting the change.

Under current law, a FERC order may only be challenged in court after petitioning for a rehearing from FERC. In the event that the panel is deadlocked, no order is issued but electricity rate changes are allowed to move forward, creating a situation where the effective decision cannot be challenged for want of a FERC order to rehear or challenge in court.

H.R. 587 contains identical language to <u>H.R. 2984</u> which passed the House in the 114th Congress by voice vote on March 14, 2016. The RSC's legislative bulletin for H.R. 2984 can be found <u>here</u>.

### **COMMITTEE ACTION:**

H.R. 587 was introduced on January 17, 2017 and was referred to the House Committee on Energy and Commerce.

### **ADMINISTRATION POSITION:**

A Statement of Administration Policy is not available.

### **CONSTITUTIONAL AUTHORITY:**

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8--to provide for the general welfare and to regulate commerce among the states."

# H.R. 590 — Advance Nuclear Technology Development Act (Rep. Latta, R-OH)

CONTACT: Nicholas Rodman, 202-226-8576

### FLOOR SCHEDULE:

Scheduled for consideration on January 23, 2017 under suspension of the rules, which requires 2/3 vote for passage.

### **TOPLINE SUMMARY:**

<u>H.R. 590</u> would direct the Nuclear Regulatory Commission (NRC) and the Department of Energy to enter into a memorandum of understanding regarding the department's and the agency's need for sufficient technical expertise, modeling and simulation, and facilities to support the continued development and licensing of advanced reactors designs. The bill would also require the NRC to develop a regulatory framework for licensing new reactor designs and exempt any appropriations provided for the development of such framework from the current-law requirement that NRC appropriated funds be recouped by user fees charged to industry.

### COST:

No Congressional Budget Office (CBO) estimate is available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CBO <u>estimated</u> that implementing H.R. 4979, passed in the 114th Congress and similar to H.R. 590, would cost about \$1 million in 2017; such spending would be subject to the availability of appropriated funds. According to CBO, "[t]hat estimate does not include additional costs that the NRC might incur to develop a licensing framework for advanced reactors pursuant to the plan required under the bill, which CBO estimates could range between \$5 million and \$10 million annually over several years."

### **CONSERVATIVE CONCERNS:**

- Expand the Size and Scope of the Federal Government? No.
- Encroach into State or Local Authority? No.
- Delegate Any Legislative Authority to the Executive Branch? No.
- Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits? No.

# **DETAILED SUMMARY AND ANALYSIS:**

H.R. 590 would direct the NRC and the Department of Energy to enter into a memorandum of understanding regarding the department and the agency's: (1) need for sufficient technical expertise to support the civilian nuclear industry's timely research, development, demonstration, and commercial application of safe, innovative advanced reactor technology; (2) use of computers and software codes to calculate the behavior and performance of advanced reactors based on mathematical models of their physical behavior; and (3) development of facilities to enable the civilian nuclear industry's timely research, development, demonstration, and commercial application of safe, innovative reactor technology and ensuring that the NRC has access to such facilities, as needed.

H.R. 590 would require the NRC to transmit to Congress a plan for developing an efficient, risk-informed, technology-neutral framework for advanced reactor licensing. The plan would evaluate the unique aspects of advanced reactor licensing and any associated legal, regulatory, and policy issues the NRC will need to

address to develop a framework for licensing advanced reactors consistent with the NRC's role in protecting public health and safety and common defense and security, as well as other specified factors. The plan would include proposed cost estimates, budgets, and specific milestones for implementing the advanced reactor regulatory framework by September 30, 2019.

The NRC would be directed to provide the status of performance metrics and milestone schedules after the acceptance of any design certification application for an advanced nuclear reactor, and annually thereafter.

H.R. 590, by amending <u>section 6101(c)(2)(A) of the Omnibus Budget Reconciliation Act of 1990</u>, would specify that any funding provided to the NRC prior to fiscal year 2021 to develop a regulatory framework for advanced reactors would be excluded from the portion of its budget that is offset by fees.

H.R. 590 contains similar language to <u>H.R. 4979</u> which passed the House in the 114th Congress by voice vote on September 12, 2016. The RSC's legislative bulletin for H.R. 4979 can be found <u>here</u>.

#### **COMMITTEE ACTION:**

H.R. 590 was introduced on January 12, 2017 and was referred to the House Committee on Energy and Commerce.

# **ADMINISTRATION POSITION:**

A Statement of Administration Policy is not available.

### **CONSTITUTIONAL AUTHORITY:**

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 3: The Congress shall have Power To... regulate commerce with foreign nations, and among the several states, and with the Indian tribes."

# H.R. 518 — EPS Improvement Act (Rep. DeGette, D-CO)

CONTACT: Nicholas Rodman, 202-226-8576

### FLOOR SCHEDULE:

Scheduled for consideration on January 23, 2017 under suspension of the rules, which requires 2/3 vote for passage.

#### **TOPLINE SUMMARY:**

<u>H.R. 518</u> would amend the <u>Energy Policy and Conservation Act</u>, to exclude power supply circuits, drivers, and certain light-emitting diodes from energy conservation standards for external power supplies.

### COST:

No Congressional Budget Office (CBO) estimate is available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CBO <u>estimated</u> that implementing H.R. 4444, passed in the 114th Congress and identical to H.R. 518, would have no significant effect on the federal budget.

### **CONSERVATIVE CONCERNS:**

- Expand the Size and Scope of the Federal Government? No.
- Encroach into State or Local Authority? No.
- Delegate Any Legislative Authority to the Executive Branch? No.
- Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits? No.

### **DETAILED SUMMARY AND ANALYSIS:**

H.R. 518 would modify the definition of "external power supply" under the Energy Policy and Conservation Act, to exclude a power supply circuit, driver, or device that is designed exclusively to be connected to ceiling fans using direct current motors, as well as light-emitting diodes (LED) providing illumination. This exemption would not apply to the LEDs or ceiling fans themselves. The Secretary of Energy may prescribe an energy conservation standard for solid state lighting power supply circuits, drivers, or devices, if such equipment is determined to be covered under the Energy Policy and Conservation Act and if a test procedure has been prescribed at least 1 year prior.

The exemption is needed in order for accurate testing of power supplies that are not intended to be disconnected from their devices, such as direct current motored ceiling fans and solid-state LED lighting.

H.R. 518 contains identical language to <u>H.R. 4444</u> which passed the House in the 114th Congress by voice vote on February 29, 2016. The RSC's legislative bulletin for H.R. 4444 can be found <u>here</u>.

### **COMMITTEE ACTION:**

H.R. 518 was introduced on January 13, 2017 and was referred to the House Committee on Energy and Commerce.

### **ADMINISTRATION POSITION:**

A Statement of Administration Policy is not available.



# **CONSTITUTIONAL AUTHORITY:**

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 3."

# H.R. 290 — Federal Communications Commission Process Reform Act (Rep. Walden, R-OR)

CONTACT: Nicholas Rodman, 202-226-8576

### FLOOR SCHEDULE:

Scheduled for consideration on January 23, 2017 under suspension of the rules, which requires 2/3 vote for passage.

### **TOPLINE SUMMARY:**

<u>H.R. 290</u> would require the Federal Communications Commission (FCC) to conduct to establish a new rulemaking process and adopt procedural changes to its rules within one year of the bill's enactment.

### COST:

No Congressional Budget Office (CBO) estimate is available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CBO <u>estimated</u> that implementing H.R. 2583, passed in the 114th Congress and similar to H.R. 290, would cost \$10 million over the next five years; such spending would be subject to the availability of appropriated funds.

### **CONSERVATIVE CONCERNS:**

- Expand the Size and Scope of the Federal Government? No.
- Encroach into State or Local Authority? No.
- Delegate Any Legislative Authority to the Executive Branch? No.
- Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits? No.

## **DETAILED SUMMARY AND ANALYSIS:**

H.R. 290 would direct the FCC to complete a rulemaking proceeding and adopt procedural changes to its rules for the purposes of maximizing opportunities for public participation and efficient decision making. In establishing new policies, the commission would be required to: (1) set minimum comment periods for significant regulatory actions; (2) establish policies concerning the submission and treatment of extensive new information towards the end of the comment period; (3) establish procedures for publishing the status of open rulemaking proceedings and proposed orders on the commission's website; (4) establish deadlines and guidelines for the disposition of petitions submitted to the FCC; (5) establish procedures for the inclusion of the specific language of the proposed rule or the proposed amendment of an existing rule in a notice of proposed rulemaking; and (6) require new program activities to have performance measures for evaluating effectiveness.

The FCC would further be required within one year, to complete an inquiry to seek public comment on whether and how to improve its operations. Specifically the commission should: (1) establish procedures for allowing a bipartisan majority of commissioners to place an order, decision, report, or action on the agenda of an open meeting; (2) establish procedures for informing all commissioners of a reasonable number of options available for resolving a petition, complaint, application, or rulemaking; (3) establish procedures for ensuring that all commissioners have adequate time, prior to being required to decide a petition, complaint, application, or rulemaking to review the proposed FCC decision document; (4) establish procedures for publishing the text of agenda items to be voted on at an open meeting in advance of such meeting so that the

public has the opportunity to read the text before a vote is taken; (5) establish deadlines (relative to the date of filing) for the disposition of applications; (6) assign resources needed in order to meet the deadlines including whether the Commission's ability to meet such deadlines would be enhanced by assessing a fee from applicants for such a license; and (7) publish each order, decision, report, or action not later than 30 days after the date of its adoption.

The bill would require the FCC to develop a performance measure to rely on data already collected by the commission and would require Government Accountability Office (GAO) to audit the cost estimates provided by the commission every not less frequently than every 6 months.

The bill would additionally authorize a bipartisan majority of commissioners to hold a meeting closed to the public to discuss official business if no agency action is taken in the closed session and it is only attended by commissioners and pertinent staff. The FCC would be required to issue a disclosure of the meeting not later than 2 business days after. The Chairman of the FCC would be required to publish on the FCC's website, any policies or procedures established by the Chairman and relate to the functioning of the commission.

The bill would require the FCC to create a publicly available, searchable database on its website of information about complaints made by consumers of telecommunications services. The commission would be mandated to take additional steps to inform the public about its performance and efficiency in meeting the disclosure and other requirements the Freedom of Information Act. The bill would additionally require that the commission identify, catalog, and publish an anticipated release schedule for all statistical reports and reports to Congress that are regularly or intermittently released. In compiling its quarterly report with respect to informal consumer inquiries and complaints, the FCC would be prohibited from categorizing an inquiry or complaint as being a wireline inquiry or complaint or a wireless inquiry or complaint unless the party whose conduct is the subject of the inquiry or complaint is a wireline carrier or a wireless carrier, respectively. The bill would exempt the Universal Service Fund (USF) from provisions of the Antideficiency Act through December 31, 2021.

In the case of any item that is adopted by vote, the FCC would be required to publish on its website, the text of such item not later than 24 hours after the Secretary of the Commission has received dissenting statements from all Commissioners wishing to submit a statement.

H.R. 290 contains similar language to <u>H.R. 2583</u> which passed the House in the 114th Congress by voice vote on November 16, 2015. The RSC's legislative bulletin for H.R. 2583 can be found <u>here</u>.

### **COMMITTEE ACTION:**

H.R. 290 was introduced on January 4, 2017 and was referred to the House Committee on Energy and Commerce.

### **ADMINISTRATION POSITION:**

A Statement of Administration Policy is not available.

## **CONSTITUTIONAL AUTHORITY:**

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: Article I. Section 8. Clause 3 of the United States Constitution."

# H.R. 423 — Anti-Spoofing Act (Rep. Meng, D-NY)

CONTACT: Nicholas Rodman, 202-226-8576

### FLOOR SCHEDULE:

Scheduled for consideration on January 23, 2017 under suspension of the rules, which requires 2/3 vote for passage.

### **TOPLINE SUMMARY:**

<u>H.R. 423</u> would expand the Federal Communications Commission (FCC)'s authority to enforce criminal penalties and levy fines against individuals that use fake information about a caller's identification to defraud or harm another ("spoofing"), to include the use of text messages.

### COST:

No Congressional Budget Office (CBO) estimate is available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CBO <u>estimated</u> that implementing H.R. 2669, passed in the 114th Congress and identical to H.R. 423, would increase the FCC's costs by less than \$500,000 to enforce the expanded prohibition and to update current consumer education materials.

### **CONSERVATIVE CONCERNS:**

- **Expand the Size and Scope of the Federal Government?** The bill would add text messages and voice calls originating outside the United States to the items covered by criminal and civil penalties under title 47 for fraudulently misrepresenting caller ID information.
- Encroach into State or Local Authority? No.
- **Delegate Any Legislative Authority to the Executive Branch?** The underlying statute, expanded in the scope of its application by the bill, grants authority for the FEC to promulgate regulations to enforce and exceptions to the statute.
- Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits? No.

### **DETAILED SUMMARY AND ANALYSIS:**

H.R. 423 would amend section 227(e)(1) of the Communications Act of 1934 (47 U.S.C. 227(e)(1)) by expanding the FCC's authority to enforce criminal fines and penalties against individuals that use fake information about a caller's identification to apply to violators outside of the United States if the recipient is within the United States. The bill would further the FCC's authority to levy fines and enforce criminal penalties against those who commit spoofing using voice service or a text message sent using a text messaging service.

H.R. 423 would amend section 227(e)(3)(A) of the Communications Act of 1934 (47 U.S.C. 227(e)(3)(A)) by updating FCC requirements to prescribe regulations to implement the bill.

The bill would direct the FCC, in coordination with the Federal Trade Commission (FTC) to develop consumer education materials that provide information about: (1) ways for consumers to identify scams and other fraudulent activity that rely upon the use of misleading or inaccurate caller identification information; and (2) existing technologies that a consumer can use to protect against such scams and other fraudulent activity.

The bill would require the GAO to conduct a study of the actions the FCC and the FTC have taken to combat the fraudulent provision of misleading or inaccurate caller identification information, and the additional measures that could be taken to combat such activity.

H.R. 423 contains identical language to  $\underline{\text{H.R. 2669}}$  which passed the House in the 114th Congress by the year and nays:  $\underline{382 - 5}$  on November 14, 2016. The RSC's legislative bulletin for H.R. 2669 can be found <u>here</u>.

### **COMMITTEE ACTION:**

H.R. 423 was introduced on January 10, 2017 and was referred to the House Committee on Energy and Commerce.

### **ADMINISTRATION POSITION:**

A Statement of Administration Policy is not available.

### **CONSTITUTIONAL AUTHORITY:**

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8 of the U.S. Constitution." No enumerating clause was listed.

# H.R. 588 — Securing Access to Networks in Disaster Act (Rep. Pallone, D-NJ)

CONTACT: Nicholas Rodman, 202-226-8576

### FLOOR SCHEDULE:

Scheduled for consideration on January 23, 2017 under suspension of the rules, which requires 2/3 vote for passage.

### **TOPLINE SUMMARY:**

<u>H.R. 588</u> would expand the scope of individuals allowed to enter a disaster area in order to restore service to include radio, television, and internet service providers. The bill also would require the Federal Communications Commission (FCC) to publish and submit a study to Congress on the public safety benefits, technical feasibility, and cost of making telecommunications service provider-owned WiFi access points, and other communications technologies operating on unlicensed spectrum, available to the general public for access to 9-1-1 services, without requiring any login credentials, during times of emergency when mobile service is unavailable.

### COST:

No Congressional Budget Office (CBO) estimate is available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CBO <u>estimated</u> that implementing H.R. 3998, passed in the 114th Congress and identical to H.R. \_, would increase the agency's administrative costs by less than \$500,000; such spending would be subject to the availability of appropriated funds.

### **CONSERVATIVE CONCERNS:**

- **Expand the Size and Scope of the Federal Government?** No.
- Encroach into State or Local Authority? No.
- Delegate Any Legislative Authority to the Executive Branch? No.
- Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits? No.

# **DETAILED SUMMARY AND ANALYSIS:**

H.R. 588 would require the FCC to publish and submit a study to Congress on the public safety benefits and technical feasibility and cost of: (1) making telecommunications service provider-owned WiFi access points, and other communications technologies operating on unlicensed spectrum, available to the general public for access to 9-1-1 services, without requiring any login credentials, during times of emergency when mobile service is unavailable; (2) the provision by non-telecommunications service provider-owned WiFi access points of public access to 9-1-1 services during times of emergency when mobile service is unavailable; and (3) other alternative means of providing the public with access to 9-1-1 services during times of emergency when mobile service is unavailable.

The bill would amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5189e(a)(1)(A)) to include all categories of communications service providers (wireline or mobile telephone service, Internet access service, radio or television broadcasting, cable service, or direct broadcast satellite service) among the essential service providers that may access a disaster site to restore and repair essential

services in an emergency without being denied or impeded by a federal agency. Under current law, only telecommunications service providers are authorized.

H.R. 588 contains identical language to <u>H.R. 3998</u> which passed the House in the 114th Congress by the yeas and nays:  $\frac{389 - 2}{2}$  on May 23, 2016. The RSC's legislative bulletin for H.R. 3998 can be found <u>here</u>.

### **COMMITTEE ACTION:**

H.R. 588 was introduced on January 17, 2017 and was referred to the House Committee on Energy and Commerce.

# **ADMINISTRATION POSITION:**

A Statement of Administration Policy is not available.

# **CONSTITUTIONAL AUTHORITY:**

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: Article 1, Section 8, Clause 3: The Congress shall have Power To... regulate commerce with foreign nations, and among the several states, and with the Indian tribes."

# H.R. 555 — Amateur Radio Parity Act (Rep. Kizinger, R-IL)

CONTACT: Nicholas Rodman, 202-226-8576

### FLOOR SCHEDULE:

Scheduled for consideration on January 23, 2017 under suspension of the rules, which requires 2/3 vote for passage.

### **TOPLINE SUMMARY:**

<u>H.R. 555</u> would require the Federal Communications Commission (FCC) to amend certain regulations to preempt any private land use restriction from prohibiting or unreasonably limiting the installation or maintenance of licensed private radio equipemnt.

### COST:

No Congressional Budget Office (CBO) estimate is available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CBO <u>estimated</u> that implementing H.R. 1301, passed in the 114th Congress and identical to H.R. 555, would cost less than \$500,000 to update FCC rules. Moreover, the agency is authorized to collect fees sufficient to offset its regulatory costs each year; therefore, CBO estimates that the net discretionary cost would be negligible, assuming appropriation actions consistent with that authority.

### **CONSERVATIVE CONCERNS:**

- **Expand the Size and Scope of the Federal Government?** No.
- Encroach into State or Local Authority? The bill would preempt local land use restrictions, including covenants, to the extent they prohibit or unreasonably limit the installation of amateur radio equipment.
- Delegate Any Legislative Authority to the Executive Branch? No.
- Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits? No.

### **DETAILED SUMMARY AND ANALYSIS:**

H.R. 555 would direct the FCC to amend its regulations to prohibit the application of any private land use restriction to licensed amateur radio station. In amending its regulations, the FCC would be directed to: (1) require any licensee in an amateur radio service to notify and obtain prior approval from a community association concerning installation of an outdoor antenna; (2) permit a community association to prohibit installation of any antenna or antenna support structure by a licensee in an amateur radio service on common property not under the exclusive use or control of the licensee; and (3) permit a community association to establish reasonable written rules concerning height, location, size, and aesthetic impact of, and installation requirements for, outdoor antennas and support structures for the purpose of conducting communications in the amateur radio services.

The FCC would be prohibited from changing section 97.15(b) of title 47, Code of Federal Regulations, governing the installation of antennas and the limited preemption of state and local law, which would remain applicable to state and local land use regulation of amateur service communications.

H.R. 555 contains identical language to <u>H.R. 1301</u> which passed the House in the 114th Congress by voice vote on September 12, 2016. The RSC's legislative bulletin for H.R. 1301 can be found <u>here</u>.

### **COMMITTEE ACTION:**

H.R. 555 was introduced on January 13, 2017 and was referred to the House Committee on Energy and Commerce.

# **ADMINISTRATION POSITION:**

A Statement of Administration Policy is not available.

### **CONSTITUTIONAL AUTHORITY:**

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: The Fourteenth Amendment, Section 1 [Rights Gauaranteed]; . . . the means employed to effect its exercise may be neither arbitrary nor oppressive but must bear a real and substantial relation to an end that is public, specifically, the public health, safety, or morals, or some other aspect of the general welfare."

# H.R. 460 — Improving Rural Call Quality (Rep. Young, R-IA)

CONTACT: Nicholas Rodman, 202-226-8576

### FLOOR SCHEDULE:

Scheduled for consideration on January 23, 2017 under suspension of the rules, which requires 2/3 vote for passage.

### **TOPLINE SUMMARY:**

<u>H.R. 460</u> would require that intermediate telecommunication providers register with the Federal Communications Commission (FCC). The bill would additionally require the FCC to issue rules establishing specified service quality standards for intermediate telecommunication providers.

#### COST:

No Congressional Budget Office (CBO) estimate is available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CBO <u>estimated</u> that implementing H.R. 2566, passed in the 114th Congress and identical to H.R. 460, would cost \$3 million over the 2017-2021 period. However, under current law the FCC is authorized to collect fees sufficient to offset the cost of its regulatory activities each year. Therefore, CBO estimated that the net cost to implement H.R. 2566 would be negligible, assuming annual appropriation actions consistent with the agency's authorities.

### **CONSERVATIVE CONCERNS:**

- Expand the Size and Scope of the Federal Government? No.
- Encroach into State or Local Authority? No.
- Delegate Any Legislative Authority to the Executive Branch? No.
- Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits? No.

### **DETAILED SUMMARY AND ANALYSIS:**

H.R. 460 would amend part II of title II of the Communications Act of 1934 (47 U.S.C. 251 et seq.) by requiring that intermediate telecommunication providers that offer the capability to transmit covered voice communications from one destination to another and that charge any rate to any other entity for the transmission, register with the FCC and comply with specified service quality standards. The bill would prohibit a covered provider from using an intermediate provider unless it is registered with the FCC.

Intermediate providers route and connect long distance calls between local phone companies.

Within 1 year, the FCC would be directed to promulgate rules to establish service quality standards for the transmission of covered voice communications by intermediate providers. The FCC would be mandated to: (1) ensure the integrity of the transmission of covered voice communications to all customers in the United States; and (2) prevent unjust or unreasonable discrimination among areas of the United States in the delivery of covered voice communications.

Under <u>64.2101</u> of title <u>47</u>, <u>Code of Federal Regulations</u>, a "covered provider" is a provider of long-distance voice service that makes the initial long-distance call path choice for more than 100,000 domestic retail

subscriber lines, counting the total of all business and residential fixed subscriber lines and mobile phones and aggregated over all of the providers' affiliates.

H.R. 460 contains identical language to <u>H.R. 2566</u> which passed the House in the 114th Congress by voice vote on November 14, 2016. The RSC's legislative bulletin for H.R. 2566 can be found <u>here</u>.

### **COMMITTEE ACTION:**

H.R. 460 was introduced on January 11, 2017 and was referred to the House Committee on Energy and Commerce.

# **ADMINISTRATION POSITION:**

A Statement of Administration Policy is not available.

# **CONSTITUTIONAL AUTHORITY:**

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 3 of the United States Constitution."

# H.R. \_ — Federal Communications Commission Consolidated Reporting Act of 2017 (Rep. Scalise, R-LA)

CONTACT: Nicholas Rodman, 202-226-8576

### FLOOR SCHEDULE:

Scheduled for consideration on January 23, 2017 under suspension of the rules, which requires 2/3 vote for passage.

### **TOPLINE SUMMARY:**

<u>H.R.</u> would amend the Communications Act of 1934 to consolidate the reporting obligations of the Federal Communications Commission (FCC). The FCC would be required to submit a report to Congress, due during the last quarter of every even-numbered year, on the state of the communications marketplace.

# COST:

No Congressional Budget Office (CBO) estimate is available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CBO <u>estimated</u> that implementing H.R.734, passed in the 114th Congress and identical to H.R. \_, would not have a significant effect on the FCC's costs, and that the net cost to implement the provisions of H.R. 734 would be negligible, assuming annual appropriation actions consistent with the agency's authorities.

### **CONSERVATIVE CONCERNS:**

- Expand the Size and Scope of the Federal Government? No.
- Encroach into State or Local Authority? No.
- Delegate Any Legislative Authority to the Executive Branch? No.
- Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits? No.

# **DETAILED SUMMARY AND ANALYSIS:**

H.R. \_ would: (1) assess the state of competition in the communications marketplace, including competition to deliver voice, video, and data services among providers of telecommunications, providers of commercial mobile service, multichannel video programming distributors broadcast stations, providers of satellite communications, Internet service providers, and other providers of communications services; (2) assess the state of deployment of communications capabilities, including advanced telecommunications capability regardless of the technology used for such deployment, including whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion; (3) assess whether laws, regulations, or regulatory practices pose a barrier to competitive to competitive entry into the communications marketplace or to the competitive expansion of existing providers of communications services; (4) describe the FCC's agenda for the next 2-year period for addressing the challenges and opportunities in the communications marketplace that were identified through the assessments required in the bill; and (5) describe the actions that the FCC has taken in pursuit of the agenda described in the bill.

If the president designates a commissioner as chairman of the FCC during the last quarter of an evennumbered year, the FCC would be authorized to publish on the FCC website and submit to Congress its next 2-year agenda for addressing the challenges and opportunities in the communications marketplace during the first quarter of the following odd-numbered year.

The FCC would also be required: (1) to consider all forms of competition, including the effect of intermodal, facilities-based, and competition from new and emergent communications services, including the Internet; (2) to compile a list of geographical areas that are not served by any provider of advanced telecommunications capability. The commission may use readily available data to draw appropriate comparisons between the United States communications marketplace and the international communications marketplace, and to correlate its assessments with demographic information.

The FCC would be directed to consider market entry barriers for entrepreneurs and other small businesses in the communications marketplace; and include in each report required by the bill, the aggregate average total amount paid by cable systems in compensation during the period covered by such report.

The bill would additionally consolidate into a Communications Marketplace Report: the ORBIT Act Report, the Satellite Competition Report, the International Broadband Data Report, the Status of Competition in the Market for the Delivery of Video Programming Report, the Report on Cable Industry Prices, the Triennial Report Identifying and Eliminating Market Entry Barriers for Entrepreneurs and Other Small Businesses, the Section 706 Report, and the Report on the State of Competitive Market Conditions With Respect to Commercial Mobile Radio Services.

Nothing in the bill or the amendments made by the bill shall be construed to expand or contract the authority of the FCC, nor shall be construed to prohibit or otherwise prevent the FCC from producing any additional reports within the authority of the Commission.

H.R. \_ contains identical language to  $\frac{\text{H.R. }734}{\text{Nays: }}$  which passed the House in the 114th Congress by the Yeas and Nays:  $\frac{411-0}{\text{O}}$  on February 24, 2015. The RSC's legislative bulletin for H.R. 734 can be found  $\frac{\text{here}}{\text{O}}$ .

### **COMMITTEE ACTION:**

H.R. \_ has not yet been introduced.

### **ADMINISTRATION POSITION:**

A Statement of Administration Policy is not available.

## **CONSTITUTIONAL AUTHORITY:**

No constitutional authority statement is yet available

# H.R. 582 — Kari's Law (Rep. Gohmert, R-TX)

CONTACT: Nicholas Rodman, 202-226-8576

### FLOOR SCHEDULE:

Scheduled for consideration on January 23, 2017 under suspension of the rules, which requires 2/3 vote for passage.

### **TOPLINE SUMMARY:**

<u>H.R. 582</u> would require multi-line telephone systems to have a default configuration that permits users to directly initiate a call to 9-1-1 without dialing any additional digit, code, prefix, or post-fix.

### COST:

No Congressional Budget Office (CBO) estimate is available.

Rule 28(a)(1) of the Rules of the Republican Conference prohibit measures from being scheduled for consideration under suspension of the rules without an accompanying cost estimate. Rule 28(b) provides that the cost estimate requirement may be waived by a majority of the Elected Leadership.

CBO <u>estimated</u> that implementing H.R. 4167, passed in the 114th Congress and identical to H.R. \_, would have no significant effect on federal spending for telecommunications services or regulatory activities.

### **CONSERVATIVE CONCERNS:**

- Expand the Size and Scope of the Federal Government? No.
- Encroach into State or Local Authority? No.
- Delegate Any Legislative Authority to the Executive Branch? No.
- Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits? No.

### **DETAILED SUMMARY AND ANALYSIS:**

H.R. 582 would amend the <u>Communications Act of 1934</u> to prohibit multi-line telephone systems from being sold and manufactured in the United States unless they are pre-configured such that, when properly installed, a user may directly initiate a call to 9-1-1 from any station equipped with dialing facilities, without dialing any additional digit, code, prefix, or post-fix, including any trunk-access code such as the digit '9', regardless of whether the user is required to dial such a digit, code, prefix, or post-fix for other calls. The bill would prohibit businesses from installing systems unless they are configured such that a user may directly initiate a call to 9-1-1. Businesses would be required to configure the system to provide a notification to a central location at the facility where the system is installed or to another person or organization regardless of location, if the system is able to be configured to provide the notification without an improvement to its hardware or software.

H.R. 582 would clarify that nothing in it would be intended to alter the authority of state commissions or other state or local agencies with jurisdiction over emergency communications, if the exercise of such authority is not inconsistent with the bill. The bill would not apply to a multi-line telephone system that was installed before 2 years after its enactment if multi-line telephone system is not able to be configured to meet the specified requirements.

H.R. 582 contains identical language to <u>H.R. 4167</u> which passed the House in the 114th Congress by voice vote on May 23, 2016. The RSC's legislative bulletin for H.R. 4167 can be found <u>here</u>.

### **COMMITTEE ACTION:**

H.R. 582 was introduced on January 17, 2017 and was referred to the House Committee on Energy and Commerce.

### **ADMINISTRATION POSITION:**

A Statement of Administration Policy is not available.

### **CONSTITUTIONAL AUTHORITY:**

According to the sponsor: "Congress has the power to enact this legislation pursuant to the following: Under Article I, Section 8 of the U.S. Constitution, "The Congress shall have Power... to regulate Commerce... among the several States." Telecommunication devices, such as a multi-line telephone system (MLTS), enable the interstate transmission of voice telephony communication. Additionally, MLTS devices enter the stream of commerce as part of an economic enterprise and affect interstate commerce in that they are bought, sold and transported across state lines, and under Article I, Section 8 Congress has the authority to regulate products in interstate Commerce. See also, U.S. v. Lopez, 514 U.S. 549 (1995)."

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